

EXHIBIT 4

TERRY PEMBERTON

July 03, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually and
on behalf of those similarly
situated,

Plaintiff,

vs.

Case No. 20-cv-12734-MAG-EAS

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC,
a domestic limited liability
company,

Defendant.

The Remote Deposition of TERRY PEMBERTON,
Commencing at 2:01 p.m.,
Monday, July 3, 2023,
Before Helen F. Benhart, CSR-2614,
Appearing remotely from Wayne County, Michigan.

July 03, 2023

1 REMOTE APPEARANCES:

2
3 ANDREW R. FRISCH

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10 Appearing on behalf of the Plaintiff.

11
12 MICHAEL O. CUMMINGS

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19 Appearing on behalf of the Defendant.

July 03, 2023

1 other routes other than the up north routes?

2 **A. Not very often. I can't put a number to it. It was**
3 **not very frequent.**

4 Q. Okay. Very good. We'll stop sharing this document.

5 When you were working for Absopure, how
6 were you paid? Excuse me. I'm going to rephrase the
7 question. Forgive me. How was your pay calculated
8 when worked for Absopure?

9 **A. I believe it was like a flat rate per day and then we**
10 **earned some -- we earned an amount for every bottle we**
11 **delivered.**

12 Q. Okay. And what was that amount that you earned for
13 every bottle that you delivered?

14 **A. I do not recall.**

15 Q. Okay. And you do have -- now, do you recall what your
16 flat rate was for the day?

17 **A. I do not recall, no.**

18 Q. Okay. Give me a minute. I'm going to put another
19 document --

20 MR. CUMMINGS: By the way, court reporter,
21 that last document that I just put up, could you enter
22 that as Exhibit 1. I will e-mail it to you when we're
23 done here.

24 REMOTELY INTRODUCED:

25 DEPOSITION EXHIBIT 1

July 03, 2023

1 **A. I believe so, yeah.**

2 Q. You said earlier when defense counsel asked you
3 about -- a question about what you understood the case
4 to be about, you said it was about overtime
5 compensation, right?

6 **A. Yeah.**

7 Q. And this -- is it your understanding that you were
8 never paid overtime during the period of time you were
9 employed by Absopure despite the fact you worked over
10 40 hours a week?

11 **A. That is my understanding, yes.**

12 MR. CUMMINGS: Objection.

13 BY MR. FRISCH:

14 Q. Is that what -- so you believe that you have unpaid
15 overtime compensation you're seeking in this case?

16 **A. Could you repeat the question.**

17 Q. Is it your understanding that you're seeking unpaid
18 overtime compensation in this case?

19 **A. Yes.**

20 Q. I have nothing further.

21 MR. CUMMINGS: I just have a couple
22 questions based on that.

23 RE-EXAMINATION

24 BY MR. CUMMINGS:

25 Q. Did you ever drive a Sprinter van on your overnight